

Appendix B

**Excerpts from EPA's Booklet
"Notification of Regulated Waste Activity"**

United States Environmental Protection Agency
Washington, D.C. 20460

Notification of Regulated Waste Activity
Forms and Instructions

This package is designed to help you determine if you are subject to the regulations under the *Resource Conservation and Recovery Act* (RCRA) and, if so, to help you notify EPA or your authorized State of your regulated waste activities and get a U.S. EPA Identification Number. RCRA is a Federal law. If you are regulated but do not comply with the RCRA notification requirements, you may be subject to civil penalties. The following materials are contained in the indicated sections of this booklet:

- I. Guidance on how to determine if you handle a hazardous waste that is regulated under RCRA;
- II. Guidance on how to determine if your waste activities are regulated under U.S. EPA's Waste-As-Fuel provisions;
- III. Guidance on how to determine if you must notify EPA of your used oil recycling activities;
- IV. Guidance on how to file the Notification Form and a list of contacts, alphabetized by State, where you can get information, obtain more forms, and send your completed form;
- ~~V. Two copies of EPA Form 8700-12, "Notification of Regulated Waste Activity" and complete line by line instructions for filling out the Notification form;~~
- ~~VI. A list of definitions to help in understanding and completing the Notification Form;~~

VII. Guidance on EPA hazardous waste numbers for waste streams commonly generated by small quantity generators. Appendix 1: "Typical Waste Streams Produced by Small Quantity Generators" and Appendix 2: "Typical Waste Streams and EPA Hazardous Waste Numbers;" and

~~VIII. A reprint of Part 261 (July 1, 1993) from Title 40 of the Code of Federal Regulations (CFR). This document contains the regulations that U.S. EPA has developed, identifying and listing hazardous waste.~~

To obtain a copy of 40 CFR Part 266 which discusses the waste-as-fuel administrative standards, contact your EPA Regional Office listed later in this package, or call the **RCRA/Superfund Industry Assistance Hotline** at 1-800-424-9346 (or in the Washington, D.C. area at (703) 412-9810). After your completed notification is received, you will be sent a written acknowledgment that will include your U.S. EPA Identification Number. You must use this number on all communications with U.S. EPA regarding your activities.

It is important for you to understand that this package only addresses the requirements of the Federal hazardous waste and used oil programs. Many States may have requirements that are different from the Federal requirements; those States may use this form or a similar form which may require additional information not required on this form. It is up to you, as the waste handler, to learn about all the requirements that affect you.

Finally, we know that understanding these regulations and how they affect your business is not an easy job. In Section IV of the instructions, we have listed the addresses and phone numbers of the contacts for each State who can answer your questions and help you understand the Federal and State regulations that apply to you. In addition to those contacts, the following contacts are also available to help with your questions:

- A. RCRA/Superfund Industry Assistance Hotline -- 1-800-424-9346
(If you are located in the Washington, D.C. area call (703) 412-9810)
- B. EPA Small Business Ombudsman Hotline -- 1-800-368-5888
- C. Your Trade Association

I. How to Determine if You Handle a Regulated Hazardous Waste

Persons who generate, transport, treat, store, or dispose of solid wastes are responsible for determining if their solid waste is a hazardous waste regulated under the *Resource Conservation and Recovery Act* (hereafter referred to as RCRA). In addition, persons who recycle secondary materials must also determine whether those materials are solid and hazardous wastes under the provisions of RCRA. If you need help making this determination after reading these instructions, contact the addressee listed for your State in Section IV. C. of these instructions.

You will need to refer to Title 40, Part 261 of the *Code of Federal Regulations* (hereafter referred to as CFR) to help you decide if the waste you handle is regulated under RCRA.¹ Section VIII is a reprint of 40 CFR Part 261. To determine if you are regulated under RCRA, ask yourself the following questions:

A. Do I Handle A Solid Waste?

40 CFR 261.2 defines "solid waste" as any discarded material that is not excluded under Section 261.4(a) or that is not excluded by variance granted under Sections 260.30 and 260.31. A discarded material is any material which is:

1. abandoned, as explained in §261.2(b); or
2. recycled, as explained in §261.2(c); or
3. considered inherently waste-like as explained in §261.(c).

B. Has My Solid Waste Been Excluded From The Regulations Under Section 261.4?

The list of general exclusions can be found in 40 CFR 261.4. If the solid waste that you handle has been excluded, either by rule or special variance, then you do not need to notify U.S. EPA for that waste.

¹ Many States have requirements that vary from the Federal regulations. These State regulations may be more strict than the Federal requirements by identifying additional wastes as hazardous, or may not yet include all wastes currently regulated under RCRA. It is your responsibility to comply with all regulations that apply to you. For more information on State requirements, you are strongly urged to contact the appropriate addressee listed for your State in Section IV of these instructions.

If your solid waste was not excluded from regulation, you need to determine if it is a hazardous waste that U.S. EPA regulates. The U.S. EPA regulates hazardous waste two ways:

1. by specifically listing the waste and assigning it a unique EPA Waste Code Number; or
2. by regulating it because it possesses any of four hazardous characteristics and assigning it a generic EPA Waste Code Number.

C. Is My Solid Waste Specifically Listed as a Hazardous Waste?

Sections 261.31 -- 261.33 of 40 CFR identify certain solid wastes that U.S. EPA has specifically listed as hazardous. Persons who handle listed hazardous waste are subject to regulation and must notify U.S. EPA of their activities unless they are exempted as discussed below. Refer to this section of the CFR (enclosed as Section VIII) to see if your waste is included as a "listed waste."

D. Does My Solid Waste Possess a Hazardous Characteristic?

Even if your waste is not specifically listed as a hazardous waste, it may still be hazardous because it exhibits certain hazardous characteristics. These characteristics are:

1. Ignitability;
2. Corrosivity;
3. Reactivity; and
4. Toxicity.

Sections 261.20 through 261.24 of 40 CFR explain what each of the characteristics is and outlines the testing procedures you should use to determine if your waste meets these characteristics. Persons who handle characteristic waste that is regulated must notify U.S. EPA of their activities unless they are exempted, as discussed below. If you are handling a newly regulated waste and have already notified EPA prior to that activity **and already have an EPA Identification Number**, no re-notification is required.

E. Has My Hazardous Waste Been Exempted From The Regulations

The list of exemptions can be found in 261.5 and 261.6(a)(3) of 40 CFR. If the hazardous waste that you handle has been exempted, then you do not need to notify U.S. EPA for that waste.

II. How To Determine if You Must Notify U.S. EPA of Your Waste-as-Fuel Activities

Persons who market or burn hazardous waste (and any material produced from or otherwise containing hazardous waste) for energy recovery are required to notify U.S. EPA (or their State agency if the State is authorized to operate its own hazardous waste program) and obtain a U.S. EPA Identification Number unless they are exempt as outlined below (see Subpart H of 40 CFR Part 266). Hazardous waste is considered to be burned for energy recovery if it is burned in a boiler or industrial furnace that is not regulated as a hazardous waste incinerator under Subpart O of 40 CFR Parts 264 or 265.

Even if you have previously notified U.S. EPA of hazardous waste activities and have a U.S. EPA Identification Number, you must renotify to identify your waste-as-fuel activities. (You do not have to renotify for those activities you previously notified for, only for any newly regulated activities.) If you have previously notified, be sure to complete Item I "First or Subsequent Notification," by marking an "X" in the box for subsequent notification. Fill in your U.S. EPA Identification Number in the spaces provided. (Your U.S. EPA Identification Number will not change.)

Who is exempt from hazardous waste-as-fuel notification requirements?

1. **Ordinary generators (and initial transporters):** Generators (and initial transporters who pick up hazardous waste from generators) are not marketers subject to the notification requirement if they **do not market hazardous waste fuel directly to a burner.** In such situations, it is the recipient of that fuel who makes the decision to market the materials as a fuel, (typically after processing or blending), and it is the recipient who must notify.
2. **Specific exemptions provided by 40 CFR 261.6:** The rules provide conditional exemptions for several specific waste-derived

fuels under 261.6(a)(3), including fuels produced by petroleum refineries that recycle refinery hazardous waste, and coke and coal tar derived from coal coking wastes by the iron and steel industry. Marketers and burners of these exempted fuels are not subject to the notification requirement.

III. How to Determine if You Must Notify U.S. EPA of Your Used Oil Recycling Activities

Persons who transport, process, re-refine, market or burn off-specification used oil for energy recovery are required to notify U.S. EPA (or their State agency if the State is authorized to operate its own hazardous waste program) and obtain a U.S. EPA Identification Number unless they are exempt as outlined below (see 40 CFR Part 279). Used oil is considered to be burned for energy recovery if it is burned in an industrial furnace, boiler, or hazardous waste incinerator subject to regulation under Subpart O of 40 CFR Parts 264 or 265.

Used oil transporters, off-specification burners, processors, re-refiners and marketers who have not previously notified EPA of their hazardous waste activities or notified under 40 CFR Part 266, Subpart E must notify to identify their used oil recycling activities.

Who is exempt from used oil notification requirements?

1. **Persons who burn on-specification used oil fuel:** Used oil that is to be burned for energy recovery and that meets the specification provided under 40 CFR 279.11 is essentially exempt from the regulations. However, the person who first claims that the used oil meets the specification is subject to notification as a used oil fuel marketer and certain other requirements (see 40 CFR Part 279, Subpart H). The burner of on-specification fuel is not required to notify.
2. **Used oil generators** are not subject to the notification requirements.
3. **Used oil generators operating used-oil-fired space heaters:** Persons who only burn used oil that they generate (or used oil received from household do-it-yourselfer used oil changers) in used-oil-fired space heaters are exempt from the notification requirement provided that the device is vented to the outdoors and

the device is not designed to have a capacity greater than 0.5 million Btu/hour.

IV. How to File EPA Form 8700-12, "Notification of Regulated Waste Activity"

If your waste activity is regulated under RCRA, you must notify the U.S. EPA of your regulated waste activities and obtain a U.S. EPA Identification Number. You can satisfy both of these requirements by completing and signing the ~~enveloped~~ notification form and mailing it to the appropriate address listed in Part C of this section.

Per the Hazardous Waste Import Regulations, 40 CFR 262.60, foreign generators should not apply for a Federal I.D. number. These regulations state that when filling out a U.S. manifest, you must include the name and address of the foreign generator, and the name and address and EPA I.D. number of the importer. Please contact the U.S. firms involved with your shipments and determine which firm will serve as the importer.

If this is a subsequent notification, you need to complete Items I, II, IV, VI, VII, VIV and X and any other sections that are being added to (i.e., newly regulated activities) or altered (i.e., installation contact). All other sections may be left blank.

A. How Many Forms Should I File?

A person who is subject to the hazardous waste regulations, used oil regulations, and/or the waste-as-fuel regulations under RCRA should submit one notification form per site or location. If you conduct hazardous waste or used oil activities at more than one location, you must submit a separate form for each location. (If you previously notified for hazardous waste activities and are now notifying for waste-as-fuel activities at the same location, you must submit a second form, but your U.S. EPA Identification Number will remain the same).

If you only transport hazardous waste and do not generate, market, burn, treat, store, or dispose of these wastes, you may submit one form which covers all transportation activities your company conducts. This form should be sent to the appropriate address (listed in Part C) that serves the State where your company has its headquarters or principal place of business. However, if you are a transporter who also generates,

Notification of Regulated Waste Activity

treats, stores, or disposes of hazardous wastes, you must complete and submit separate notification forms to cover each location.

B. Can I Request That This Information Be Kept Confidential?

All information you submit in a notification can be released to the public, according to the Freedom of Information Act, unless it is determined to be confidential by U.S. EPA pursuant to 40 CFR Part 2. Since notification information is very general, the U.S. EPA believes it is unlikely that any information in your notification could qualify to be protected from release. However, you may make a claim of confidentiality by printing the word "CONFIDENTIAL" on both sides of the Notification Form and on any attachments.

EPA will take action on the confidentiality claims in accordance with 40 CFR Part 2.

C. Where Should I Send My Completed Form?

Listed alphabetically in Table 1 are the addresses and phone numbers of the proper contacts in each State where you can get additional information and more forms, and where you should mail your completed forms. As shown in Table 1, U.S. EPA and many States have arranged for the States to answer your questions and receive completed forms. In a few instances, the workload is shared between U.S. EPA and the State, or handled by U.S. EPA alone. To avoid delay and confusion, follow the directions for your State very carefully.

Estimated Burden: Public reporting burden for this collection of information is estimated to be 4.35 hours, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460; and to the Paperwork Reduction Project (2050-0028), Office of Management and Budget, Washington, D.C. 20503.

Appendix 1
Typical Waste Streams Produced by Small Quantity Generators

LABORATORIES

Acids/Bases, Heavy Metals/Inorganics,
Ignitable Wastes, Reactives, Solvents

PRINTING AND ALLIED INDUSTRIES

Acids/Bases, Heavy Metals/Inorganics,
Ink Sludges, Spent Plating Wastes,
Solvents

**PESTICIDE END USERS AND
APPLICATION**

Heavy Metals/Inorganics, Services,
Pesticides, Solvents

CONSTRUCTION

Acids/Bases, Ignitable Wastes, Solvents

EQUIPMENT REPAIR

Acids/Bases, Ignitable Wastes, Lead Acid
Batteries, Solvents

**FURNITURE/WOOD MANUFACTURING
& REFINISHING**

Ignitable Wastes, Solvents

**OTHER MANUFACTURING (textiles,
plastics, leather)**

Heavy Metals/Inorganics, Solvents

LAUNDRIES AND DRY CLEANERS

Dry Cleaning Filtration, Residues,
Solvents

**EDUCATIONAL AND VOCATIONAL
SHOPS**

Acids/Bases, Ignitable Wastes, Pesticides,
Reactives, Solvents

**BUILDING CLEANING AND
MAINTENANCE**

Acid/Bases, Solvents

VEHICLE MAINTENANCE

Acids/Bases, Heavy Metals/Inorganics,
Ignitable Wastes, Lead Acid Batteries,
Solvents

WOOD PRESERVING

Preserving Agents

**MOTOR FREIGHT TERMINALS AND
RAILROAD**

Acids/Bases, Transportation, Heavy
Metals/Inorganics, Ignitable Wastes, Lead
Acid Batteries, Solvents

FUNERAL SERVICES

Solvents (formaldehyde)

METAL MANUFACTURING

Acids/Bases, Cyanide Wastes, Heavy
Metals/Inorganics, Ignitable Wastes,
Reactives, Solvents, Spent Plating Wastes

CHEMICAL MANUFACTURERS

Acids/Bases, Cyanide Wastes, Heavy
Metals/Inorganics, Ignitable Wastes,
Reactives, Solvents

CLEANING AGENTS AND COSMETICS

Acids/Bases, Heavy Metals/Inorganics,
Ignitable Wastes, Pesticides, Solvents

FORMULATORS

Acids/Bases, Cyanide Wastes, Heavy
Metals/Inorganics, Ignitable Wastes,
Pesticides, Reactives, Solvents

Appendix 2

Typical Waste Streams and EPA Hazardous Waste Numbers

ACIDS/BASES:

Acids, bases or mixtures having a pH less than or equal to 2 or greater than or equal to 12.5, or liquids that corrode steel at a rate greater than 0.25 inches per year, are considered to be corrosive (for a complete description of corrosive wastes, see 40 CFR 261.22, Characteristic of Corrosivity). All corrosive materials and solutions have the EPA Hazardous Waste Number of D002. The following are some examples of the more commonly used corrosives:

Examples of Corrosive Waste Streams	
Acetic Acid	Oleum
Ammonium Hydroxide	Perchloric Acid
Chromic Acid	Phosphoric Acid
Hydrobromic Acid	Potassium Hydroxide
Hydrochloric Acid	Sodium Hydroxide
Hydrofluoric Acid	Sulfuric Acid
Nitric Acid	

DRY CLEANING FILTRATION RESIDUES:

Cooked powder residue (perchloroethylene plants only), still residues and spent cartridge filters containing perchloroethylene or valclore are hazardous and have an EPA Hazardous Waste Number of F002.

Still residues containing petroleum solvents with a flash point less than 140F are also considered hazardous, and have an EPA Hazardous Waste Number of D001.

HEAVY METALS/INORGANICS:

Heavy Metals and other inorganic waste materials exhibit the characteristic of TCLP Toxicity and are considered hazardous if the extract from a representative sample of the waste has any of the specific constituent concentrations as shown in 40 CFR 261.24, Table 1. This may include dusts, solutions, wastewater treatment sludges, paint wastes, waste inks and other such materials which contain heavy metals/inorganics (note that wastewater treatment sludges from electroplating operations containing nickel and cyanide, are identified as F006). The following are TCLP Toxic:

Waste Stream	EPA Hazardous Waste Number
Arsenic	D004
Barium	D005
Cadmium	D006
Chromium	D007
Lead	D008
Mercury	D009
Selenium	D010
Silver	D011

Appendix 2 (continued)

IGNITABLE WASTES:

Ignitable wastes include any flammable liquids, nonliquids, and contained gases that have a flashpoint less than 140F (for a complete description of ignitable wastes, see 40 CFR 261.21, Characteristic of Ignitability). Examples are spent solvents (see also solvents), solvent still bottoms, ignitable paint wastes (paint removers, brush cleaners and stripping agents), epoxy resins and adhesives (epoxies, rubber cements and marine glues), and waste inks containing flammable solvents. Unless otherwise specified, all ignitable wastes have an EPA Hazardous Waste Number of D001.

Some commonly used ignitable compounds are:

Waste Stream	EPA Hazardous Waste Number
Acetone	F003
Benzene	D001
n-Butyl Alcohol	F003
Chlorobenzene	F002
Cyclohexanone	F003
Ethyl Acetate	F003
Ethylbenzene	F003
Ethyl Ether	F003
Ethylene Dichloride	D001
Methanol	F003
Methyl Isobutyl Ketone	F003
Petroleum Distillates	D001
Xylene	F003

INK SLUDGES CONTAINING CHROMIUM AND LEAD:

This includes solvent washes and sludges, caustic washes and sludges, or waster washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead. All ink sludges have an EPA Hazardous Waste Number of K086.

LEAD ACID BATTERIES:

Used lead acid batteries should be reported on the notification form only if they are not recycled. Used lead acid batteries that are recycled do not need to be counted in determining the quantity of waste that you generate per month, nor do they require a hazardous waste manifest when shipped off your premises. (Note: Special requirements do apply if you recycle your batteries on your own premises -- see 40 CFR Part 266.)

Waste Stream	EPA Hazardous Waste Number
Lead Dross	D008
Spent Acids	D002
Lead Acid Batteries	D008, D002

Appendix 2 (continued)

ORGANIC WASTES:

See Section VIV, Table 1 - Maximum Concentration of Contaminants for the Toxicity Characteristic for a list of constituents and regulatory levels.

PESTICIDES:

Pesticides, pesticide residues, washing and rinsing solutions and dips which contain constituent concentrations at or above Toxicity Characteristic regulatory levels (see Section VIV) are hazardous waste. Pesticides that have an oral LD50 toxicity (rat) < 50 mg/kg, inhalation LC50 toxicity (rat) < 2 mg/L or a dermal LD 50 toxicity (rabbit) < 200 mg/kg, are hazardous materials. The following pesticides would be hazardous waste if they are technical grade, unused and disposed. For a more complete listing, see 40 CFR 261.32-33 for specific listed pesticides, discarded commercial chemical products, and other wastes, wastewaters, sludges, and by products from pesticide production.

(Note that while many of these pesticides are no longer in common use, they are included here for those cases where they may be found in storage.)

Waste Stream	EPA Hazardous Waste Number
Aldicarb	P070
Aldrin	P004
Amitrole	U011
Arsenic Pentoxide	P011
Arsenic Trioxide	P012
Cacodylic Acid	U136
Carbamic Acid, Methylnitroso-	
Ethyl Ester	U178
Chlordane	U036
Copper Cyanides	P029
1,2-Dibromo-3-Chloropropane	U066
1,2-Dichloropropane	U083
1,3-Dichloropropene	U084
2,4-Dichlorophenoxy Acetic Acid	U240
DDT	U061
Dieldrin	P037
Dimethoate	P044
Dimethylcarbamoyl Chloride	U097
Dinitrocresol	P047
Dinoseb	P020
Disodium Monomomethane arsonate	D004
Disulfoton	P039
Endosulfan	P050
Endrin	P051
Ethylmercuric Chloride	D009
Famphur	P097
Nepthachlor	P059
Hexachlorobenzene	U127

Appendix 2 (continued)

Waste Stream	EPA Hazardous Waste Number
Kepon	U142
Lindane	U129
2-Methoxy Mercuric Chloride	D009
Methoxychlor	D014
Methyl Parathion	P071
Monosodium Methanearsonate	D004
Nicotine	P075
Parathion	P089
Pentachloronitrobenzene	U185
Pentachlorophenol	U242
Phenylmercuric Acetate	D009
Phorate	P094
Strychnine	P108
2,4,5-Trichlorophenoxy Acetic Acid	U232
2-(2,4,5-Trichlorophenoxy)-Propionic Acid	U233
Thallium Sulfate	P115
Thiram	U244
Toxaphene	P123
Warfarin	U248

SOLVENTS:

Spent solvents, solvent still bottoms or mixtures containing solvents are often hazardous. This includes solvents used in degreasing and paint brush cleaning, and distillation residues from reclamation. The following are some commonly used hazardous solvents (see also ignitable wastes for other hazardous solvents, and 40 CFR 261.31 for most listed hazardous waste solvents):

Waste Stream	EPA Hazardous Waste Number
Benzene	D001
Carbon Disulfide	F005
Carbon Tetrachloride	F001
Chlorobenzene	F002
Cresols	F004
Cresylic Acid	F004
O-Dichlorobenzene	F002
Ethanol	D001
Ethylene Dichloride	D001
Isobutanol	F005
Isopropanol	D001
Kerosene	D001
Methyl Ethyl Ketone	F005

Appendix 2 (continued)

Waste Stream	EPA Hazardous Waste Number
Methylene Chloride	F001(Sludges) F002(Still Bottoms)
Naphtha	D001
Nitrobenzene	F004
Petroleum Solvents (Flash-point less than 140F)	D001
Pyridine	F005
1, 1, 1-Trichloroethane	F001(Sludges) F002(Still Bottoms)
Tetrachloroethylene	F001(Sludges) F002(Still Bottoms)
Toluene	F005
Trichloroethylene	F001(Sludges) F002(Still Bottoms)
Trichlorofluoromethane	F002
Trichlorotrifluoroethane	F002
White Spirits	D001

REACTIVES:

Reactive wastes include reactive materials or mixtures which are unstable, react violently with or form explosive mixtures with water, generate toxic gases or vapors when mixed with water (or when exposed to pH conditions between 2 and 12.5 in the case of cyanide or sulfide bearing wastes), or are capable of detonation or explosive reaction when irritated or heated (for a complete description of reactive wastes, see 40 CFR 261.23, Characteristic of reactivity). Unless otherwise specified, all reactive wastes have an EPA Hazardous Waste Number of D003. The following materials are commonly considered to be reactive:

Waste Stream	EPA Hazardous Waste Number
Acetyl Chloride	D003
Chromic Acid	D003
Cyanides	D003
Organic Peroxides	D003
Perchlorates	D003
Permanganates	D003
Hypochlorites	D003
Sulfides	D003

Appendix 2 (continued)

SPENT PLATING AND CYANIDE WASTES:

Spent plating wastes contain cleaning solutions and plating solutions with caustics, solvents, heavy metals and cyanides. Cyanide wastes may also be generated from heat treatment operations, pigment production and manufacturing of anti-caking agents. Plating wastes are generally Hazardous Waste Numbers F006-F009. Heat treatment wastes are generally Hazardous Waste Numbers F010-F012. See 40 CFR 261.31 for a more complete description of plating wastes.

WOOD PRESERVING AGENTS:

Compounds or mixtures used in wood preserving, including the wastewater treatment sludge from wastewater treatment operations, are considered hazardous. Bottom sediment sludges from the treatment of wastewater processes that use creosote or pentachlorophenol are hazardous, and have an EPA Hazardous Waste Number of K001. Unless otherwise indicated, specific wood preserving components are:

Waste Stream	EPA Hazardous Waste Number
Chromated Copper Arsenate	D004
Creosote	K001
Pentachlorophenol	K001

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